

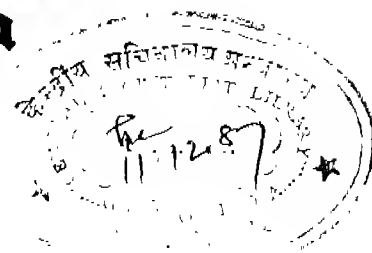


# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 2  
PART II—Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी गयी है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

## LOK SABHA

The following Bills were introduced in Lok Sabha on 24th April, 1987:—

BILL No. 41 OF 1987

*A Bill to provide for compulsory publication of price of the advertised products in the advertisements.*

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Consumer Protection (Publication of Price with the Advertised Product) Act, 1987.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) 'advertised' means and includes all products and services which for sale are published or printed in newspapers, magazines or in any other form; broadcast or telecast through radio or television or through any other media or through verbal announcement made in the public in this regard;

(b) 'price' means the actual sale price of the product;

Short  
title, ex-  
tent and  
commence-  
ment.

Defini-  
tions.

(c) 'product' means and includes all raw materials, agricultural commodities, finished goods and services or any other article intended to be sold.

Publica-  
tion of  
the price  
of the  
product  
in the  
advertis-  
ment.

3. Notwithstanding anything contained in any Act for the time being in force, it shall be compulsory for the advertiser of any product to publish simultaneously price of the product which is intended to be sold by him and the agency advertising such products shall see that no such product is advertised without simultaneously publishing its price for which it is to be sold.

Penali-  
ties.

4. In case of violation of the provisions contained in section 3, both the advertiser of the product and the agency responsible to advertise such products shall be punishable with simple imprisonment for a period of six months and a fine upto rupees five thousand.

### STATEMENT OF OBJECTS AND REASONS

There is lot of discussion going on about the consumer protection. It is a welcome measure that several Acts on consumer protection by the Government of India have been framed and have come into force. Undoubtedly these enactments would usher a new era in the consumer protection movement. However, one major aspect of consumer protection still remains uncovered by these enactments. This is relating to quoting of the price of the products advertised by their owners. It is feared that unless the consumer is given protection in terms of compulsory advertisement of the price of the product by the manufacturers and others, it will not bring the desired impact on this movement. In fact the crux of the problem is that the producers almost daily change the price of their product. Any item which is purchased in the market today may not be available for the same price tomorrow. Hence the consumer is being harassed and cheated in this way. Moreover, there are several products of the same type and in the absence of their advertised price, it becomes impossible for the consumer to make a choice. Take for example, the televisions. Now thanks to our technological advancement there are over hundred makes of the televisions in the market which are advertised. Unless the price is also simultaneously advertised along with the advertisement of all these televisions it makes no sense to the consumer. At the same time the consumer feels baffled.

Hence this enactment would go a long way to protect the consumer by saving him from going to one dealer to another dealer for the same product since when the price will be advertised simultaneously with the product, the consumer would know how much he has to pay and would make his choice without being in tears.

NEW DELHI;  
February 28, 1987.

JAYANTI PATNAIK

BILL NO. 43 OF 1987

*A Bill to provide for the establishment of the State of Goa, Daman and Diu and for matters connected therewith.*

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

## PART I

### PRELIMINARY

Short  
title.

1. This Act may be called the State of Goa, Daman and Diu Act, 1987.

Defini-  
tions.

2. In this Act, unless the context otherwise requires,—

(a) “Administrator” means the Administrator appointed by the President under article 239;

(b) “appointed day” means the day which the Central Government may, by notification in the Official Gazette, appoint;

(c) "article" means an article of the Constitution;

(d) "Election Commission" means the Election Commission appointed by the President under article 324;

(e) "existing Union territory of Goa, Daman and Diu" means the Union territory of Goa, Daman and Diu as existing immediately before the appointed day;

(f) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or any part of the existing Union territory of Goa, Daman and Diu;

(g) "sitting member", in relation to the House of the People or of the Legislative Assembly of the existing Union territory of Goa, Daman and Diu, means a person who, immediately before the appointed day, is a member of that House or that Assembly;

(h) "treasury" includes a sub-treasury.

## PART II

### ESTABLISHMENT OF THE STATE OF GOA, DAMAN AND DIU

3. On and from the appointed day, there shall be established a new State, to be known as the State of Goa, Daman and Diu comprising the territories which immediately before that day were comprised in the existing Union territory of Goa, Daman and Diu.

Establishment of the State of Goa, Daman and Diu.

4. On and from the appointed day, in the First Schedule to the Constitution,—

Amendment of First Schedule to the Constitution.

(a) under the heading "I. THE STATES", after entry 24, the following entry shall be inserted, namely:—

"25. Goa, Daman and Diu

The territories which immediately before the twentieth day of December, 1961 were comprised in Goa, Daman and Diu.";

(b) under the heading "II. THE UNION TERRITORIES", entry 5 relating to Goa, Daman and Diu shall be omitted.

## PART III

### REPRESENTATION IN THE LEGISLATURES

#### *The Council of States*

5. As from the appointed day—

(a) there shall be allotted one seat to the State of Goa, Daman and Diu in the Council of States;

Representation in Council of States.

(b) in the Fourth Schedule to the Constitution, in the Table,—

(i) after entry 26, the following entry shall be added, namely:—

“27. Goa, Daman and Diu.....1”;

(ii) at the end, for the figures “232”, the figures “233”, shall be substituted.

Election to fill the seat allotted to the State of Goa, Daman and Diu.

6. As soon as may be after the appointed day, there shall be held an election to fill the seat allotted to the State of Goa, Daman and Diu in the Council of States. ,

### *The House of the People*

Allocation of seats in the existing House of the People.

7. (1) On and from the appointed day, the allocation of seats to the State of Goa, Daman and Diu in the House of the People shall be two and the First Schedule to the Representation of the People Act, 1950, shall be deemed to be amended, accordingly.

43 of  
1950.

(2) On and from the appointed day, the two parliamentary constituencies of the existing Union territory of Goa, Daman and Diu shall be deemed to be the parliamentary constituencies of the State of Goa, Daman and Diu and the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, shall be construed accordingly.

Provision as to sitting members.

8. The sitting members of the House of the People representing the constituencies which, on the appointed day, by virtue of the provisions of section 7 become the constituencies of the State of Goa, Daman and Diu shall be deemed to have been elected under sub-clause (a) of clause (1) of article 81 to the House of the People by those constituencies.

### *The Legislative Assembly*

Provision as to Legislative Assembly.

9. On and from the appointed day, the total number of seats in the Legislative Assembly of the State of Goa, Daman and Diu to be filled by persons, chosen by direct election from assembly constituencies shall be forty; and the Second Schedule to the Representation of the People Act, 1950, shall be deemed to be amended accordingly.

43 of  
1950

Provisional Legislative Assembly.

10. (1) Notwithstanding anything contained in this Act (including provisions relating to the strength of the Legislative Assembly of the State of Goa, Daman and Diu), until the Legislative Assembly of that State has been duly constituted and summoned to meet for the first session, there shall be a provisional Legislative Assembly which shall consist of members elected by the territorial constituencies of the Legislative Assembly of the existing Union territory of Goa, Daman and Diu.

(2) The period of five years referred to in clause (1) of article 172 shall, in the case of the provisional Legislative Assembly referred to in sub-section (1) be deemed to have commenced on the day on which the duration of the existing Legislative Assembly of the Union territory of Goa, Daman and Diu commenced under section 5 of the Government of Union Territories Act, 1963.

20 of  
1963.

(3) The provisional Legislative Assembly constituted under this section shall, for so long as it is in existence, be deemed to be the Legislative Assembly of the State of Goa, Daman and Diu and shall be competent to discharge all the functions of a Legislative Assembly of a State under the Constitution.

11. The persons who immediately before the appointed day are the Speaker and the Deputy Speaker of the Legislative Assembly of the Union territory of Goa, Daman and Diu, shall be the Speaker and the Deputy Speaker, respectively, of the provisional Legislative Assembly of the State of Goa, Daman and Diu on and from that day.

Speaker  
and  
Deputy  
Speaker.

12. The rules of procedure and conduct of business of the Legislative Assembly of the existing Union territory of Goa, Daman and Diu as in force immediately before the appointed day shall, until rules are made under clause (1) of article 208, be the rules of procedure and conduct of business of the provisional Legislative Assembly of the State of Goa, Daman and Diu, subject to such modifications and adaptations as may be made therein by the Speaker thereof.

Rules of  
Procedure.

#### *Delimitation of Constituencies*

13. (1) The Election Commission shall, in the manner herein provided distribute, whether before or after the appointed day, the seats assigned to the Legislative Assembly of the State of Goa, Daman and Diu under section 9 to single-member territorial constituencies and delimit them having regard to the provisions of the Constitution and to the following provisions, namely:—

Delimi-  
tation of  
constituen-  
cies.

(a) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience; and

(b) constituency which is reserved for the Scheduled Castes shall, as far as practicable, be located in area where the proportion of their population to the total population is the largest.

(2) For the purpose of assisting it in the performance of its functions under sub-section (1) the Election Commission shall associate with itself as associate members—

(a) the sitting members of the House of the People referred to in section 8; and

(b) such six of the members of the Legislative Assembly of the existing Union territory of Goa, Daman and Diu or, as the case may be, the provisional Legislative Assembly referred to in section 10 as the Speaker thereof may nominate:

Provided that none of the associate members shall have a right to vote or to sign any decision of the Election Commission.

(3) If, owing to death or resignation, the office of an associate member falls vacant, it shall be filled, if practicable, in accordance with the provisions of sub-section (2).

**(4) The Election Commission shall—**

(a) publish its proposals for the delimitation of constituencies together with the dissenting proposals, if any, of any associate member who desires publication thereof, in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified;

(c) after considering all objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(5) As soon as may be after such publication, every such order relating to assembly constituencies shall be laid before the Legislative Assembly of the existing Union territory of Goa, Daman and Diu or as the case may be, the provisional Legislative Assembly referred to in section 10.

Power of  
Election  
Com-  
mission  
to main-  
tain  
delimita-  
tion  
orders  
up-to  
date.

14. (1) The Election Commission may, from time to time, by notification in the Official Gazette,—

(a) correct any printing mistake in any order made under section 13 or any error arising therein from inadvertent slip or omission;

(b) where the boundaries or name of any territorial division mentioned in any such order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(2) Every notification under this section relating to an assembly constituency shall be laid, as soon as may be after it is issued, before the Legislative Assembly of the existing Union territory of Goa, Daman and Diu or, as the case may be, the provisional Legislative Assembly referred to in section 10.

Amend-  
ment of  
Consti-  
tution  
(Goa,  
Daman  
and Diu)  
Sche-  
duled  
Castes  
Order,  
1968.

15. In paragraph 2 of the Constitution (Goa, Daman and diu) Scheduled Castes Order, 1968, for the words "Union Territory", wherever they occur, the word "State" shall be substituted.

## PART IV

### HIGH COURT

Establish-  
ment of  
High  
Court.

16. (1) On and from the appointed day, there shall be a High Court for the State of Goa, Daman and Diu (hereinafter referred to as the High Court).

(2) The principal seat of the High Court shall be at Panaji.



17. (1) On and from the appointed day, the Bench of the Bombay High Court at Panaji shall cease to function.

(2) The High Court at Bombay (Extension of jurisdiction to Goa, Daman and Diu) Act, 1981 shall stand repealed.

(3) Nothing in sub-sections (1) and (2) shall prejudice or affect the continued operation of any notice served, injunction issued, direction given or proceedings taken before the appointed day by the Panaji Bench of the Bombay High Court, abolished under sub-sections (1) and (2), under the powers then conferred upon the Panaji Bench.

18. (1) All proceedings pending in the High Court at Bombay, Panaji Bench, immediately before the appointed day shall, from such day, stand transferred to the High Court of Goa, Daman and Diu.

(2) Every proceeding transferred under sub-section (1) shall be disposed of by the High Court of Goa, Daman and Diu as if such proceeding was entertained by that High Court.

(3) Any order made before the appointed day by the High Court at Bombay, Panaji Bench, shall, for all purposes, have effect not only as an order of that Court but also as an order of the High Court of Goa, Daman and Diu.

19. The judges as were appointed to the High Court at Bombay, from out of the members of the Goa, Daman and Diu Civil Service and/or out of the members of the Bar of Goa, Daman and Diu, shall, on and from the appointed day, stand appointed, unless they have opted otherwise, to the High Court of Goa Daman and Diu.

20. Any person who, immediately before the appointed day, is an Advocate entitled to practice in the High Court at Bombay, shall have the right to appear or to act as an advocate, as the case may be, in the High Court of Goa, Daman and Diu.

Repealing  
of the  
High  
Court at  
Bombay  
(Extension  
of jurisdiction to  
Goa,  
Daman  
and Diu)  
Act,  
1981.

Transfer  
of  
pending  
proceedings

Appointment of  
Judges.

Advocates  
entitled  
to  
practice.

## PART V

### AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUE

21. (1) The President may, at any time before the appointed day, authorise by order such expenditure from the Consolidated Fund of the State of Goa, Daman and Diu as he deems necessary for a period of not more than six months beginning with the appointed day, pending the sanction of such expenditure by the Legislative Assembly of the State of Goa, Daman and Diu:

Provided that the Governor of Goa, Daman and Diu may, after the appointed day, authorise by order such further expenditure as he deems necessary from the Consolidated Fund of the State of Goa, Daman and Diu for any period not extending beyond the said period of six months.

(2) The President or, as the case may be, the Governor of Goa, Daman and Diu shall make separate orders under sub-section (1) in respect of periods falling in different financial years.

Authorisation of  
expenditure  
pending its  
sanction  
by the  
Legislature.

Reports relating to the accounts of the existing Union territory of Goa, Daman and Diu.

22. (1) The reports of the Comptroller and Auditor-General of India referred to in section 49 of the Government of Union Territories Act, 1963, relating to the accounts of the existing Union territory of Goa, Daman and Diu in respect of any period prior to the appointed day, shall be submitted to the Governor of Goa, Daman and Diu who shall cause them to be laid before the Legislative Assembly of the State.

20 of 1963.

(2) The Governor may, by order—

(a) declare any expenditure incurred out of the consolidated Fund of the existing Union territory of Goa, Daman and Diu on any service in respect of any period prior to the appointed day during the financial year 1987-88 or in respect of any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the reports referred to in sub-section (1) to have been duly authorised, and

(b) provide for any action to be taken on any matter arising out of the said reports.

Allowances and privileges of Governor of Goa, Daman and Diu.

23. The allowances and privileges of the Governor of Goa, Daman and Diu shall, until the Governors (Emoluments, Allowances and Privileges) Act, 1982, comes into force, be such as the President may, by order determine.

43 of 1982.

Distribution of revenues.

24. The President shall, by order, determine the grants-in-aid of the revenues of the State of Goa, Daman and Diu and the share of that State in the Union duties of excise, estate duty and taxes on income and for that purpose amend thereby the relevant provisions of the Additional Duties of Excise (Goods of Special Importance) Act, 1957, the Union Duties of Excise (Distribution) Act, 1979, the Estate Duty (Distribution) Act, 1962 and the Constitution (Distribution of Revenues) Order, 1985 in such manner as he thinks fit.

53 of 1957  
24 of 1979  
9 of 1982.

## PART VI

### ASSETS AND LIABILITIES

Property, assets, rights, liabilities, obligations, etc.,

25. (1) All such property and assets within the existing Union territory of Goa, Daman and Diu as are held immediately before the appointed day by the Union for purposes of governance of that Union territory shall, on and from that day, pass to the State of Goa, Daman and Diu unless the purposes for which such property and assets are so held are Union purposes:

Provided that the cash balances in the treasuries in the existing Union territory of Goa, Daman and Diu before the appointed day shall, as from that day, vest in the State of Goa, Daman and Diu.

(2) All rights, liabilities and obligations (other than those relatable to, or in connection with, a Union purpose), whether arising out of any contract or otherwise, which are, immediately before the appointed day—

(a) the rights, liabilities and obligations of the Central Government arising out of, or in connection with, the governance of the existing Union territory of Goa, Daman and Diu; or

(b) the rights, liabilities and obligations of the Administrator of the existing Union territory of Goa, Daman and Diu in his capacity as such, or of the Government of that Union territory,

shall, on and from the appointed day, be the rights, liabilities and obligations of the Government of the State of Goa, Daman and Diu.

(3) The right to recover arrears of—

(a) any tax or duty being a tax or duty enumerated in the State List in the Seventh Schedule to the Constitution; or

(b) any duty referred to in article 268; or

74 of 1956.

(c) any tax under the Central Sales Tax Act, 1956,

which have fallen due in the existing Union territory of Goa, Daman and Diu shall pass to the State of Goa, Daman and Diu.

(4) The provisions of this section shall not apply to or in relation to,—

(a) any institution, undertaking or project the expenditure in relation to which is, immediately before the appointed day, met from and out of the Consolidated Fund of India;

(b) any property which has been placed by the Union at the disposal of the administration of the existing Union territory of Goa, Daman and Diu subject to the condition that the ownership thereof will continue to vest in the Union.

*Explanation.*—For the purposes of this section,—

(a) “liability” includes liability in respect of any civil deposit, local fund deposit, charitable or other endowment, provident fund account, pension or actionable wrong;

(b) “Union purposes” means the purposes of Government relatable to any of the matters mentioned in the Union List.

## PART VII

### PROVISIONS AS TO SERVICES

26. Every member of the Indian Administrative Service, the Indian Police Service and the Indian Forest Service who, immediately before the appointed day, is holding any post in the existing Union territory of Goa, Daman and Diu shall, until otherwise directed by the Central Government, be deemed to be on deputation, on and from the appointed day, to the Government of the State of Goa, Daman and Diu on the same terms and conditions of service as are applicable to him under the relevant cadre rules:

Provision  
relating  
to All  
India  
Services.

Provided that the period of such deputation shall in no case extend beyond a period of three years from the appointed day.

*Explanation.*—In this section, “cadre rules” means the Indian Administrative Service (Cadre) Rules, 1954, the Indian Police Service (Cadre) Rules, 1954 or the Indian Forest Service (Cadre) Rules, 1966, as the case may be.

Provisions  
relating  
to  
other  
services.

27. (1) Every person who immediately before the appointed day is serving in connection with the affairs of the Union under the administrative control of the Administrator of the Union territory of Goa, Daman and Diu shall, unless otherwise directed by an order of the Central Government, be deemed to have been allocated for service as from that day in connection with the affairs of the State of Goa, Daman and Diu;

Provided that no directions shall be issued under this section after the expiry of a period of one year from the appointed day.

(2) The provisions of this section shall not apply in relation to persons to whom the provisions of section 26 apply.

Other  
Pro-  
visions  
as to  
services.

28. (1) Nothing in this section or section 27 shall be deemed to affect on or after the appointed day, the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to determination of the conditions of service of persons serving in connection with the affairs of the State of Goa, Daman and Diu;

Provided that the conditions of service applicable immediately before the appointed day in the case of any person referred to in section 27 shall not be varied to his disadvantage except with the previous approval of the Central Government.

(2) All services prior to the appointed day rendered by a person deemed to have been allocated under section 24 in connection with the administration of the existing Union territory of Goa, Daman and Diu shall be deemed to have been rendered in connection with the affairs of the State of Goa, Daman and Diu for the purposes of the rules regulating his conditions of service.

Pro-  
visions  
as to  
continu-  
ance of  
officers  
in same  
posts.

29. Every person who, immediately before the appointed day, is holding or discharging the duties of any post or office in connection with the affairs of the existing Union territory of Goa, Daman and Diu shall continue to hold the same post or office and shall be deemed, on and from that day, to have been duly appointed to the post or office by the Government of, or other appropriate authority in, the State of Goa, Daman and Diu on the same terms and conditions of appointment and on the same tenure as he was holding the post or office immediately before that day;

Provided that nothing in this section shall be deemed to prevent a competent authority on or after the appointed day from passing in relation to such person any order affecting his continuance in such post or office.

Advisory  
Com-  
mittees.

30. The Central Government may, by order, establish one or more Advisory Committees for the purpose of assisting it in regard to—

(a) the discharge of its functions under this Part; and

(b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this Part and the proper consideration of any representations made by such persons.

31. Notwithstanding anything to the contrary contained in any law or rule for the time being in force, no representation shall lie against any order passed under the provisions of this Part on the expiry of three months from the date of publication or service, whichever is earlier, of such order:

Prohibition of representation after certain period.

Provided that the Central Government may, *suo motu* or otherwise and for reasons to be recorded, re-open any matter and pass such orders thereon as may appear to it to be appropriate if it is satisfied that it is necessary so to do in order to prevent any miscarriage of justice to any affected person.

## PART VIII

### LEGAL AND MISCELLANEOUS PROVISIONS

32. On and from the appointed day,—

Amendment of article 239A and article 240 of the Constitution.

(a) in article 239A, in clause (1), the words "Goa, Daman and Diu and" shall be omitted;

(b) in article 240, in clause (1),—

(i) entry (d) shall be omitted;

(ii) in the provisos, the words "Goa, Daman and Diu or" shall be omitted.

33. On and from the appointed day, in the Government of Union Territories Act, 1963, for clause (h) of sub-section (1) of section 2, the following clause shall be substituted, namely:—

Amendment of Act 20 of 1963.

"(h) "Union territory" means the Union territory of Pondicherry."

34. (1) All laws in force, immediately before the appointed day, in the existing Union territory of Goa, Daman and Diu shall continue to be in force in the State of Goa, Daman and Diu until altered, repealed or amended by a competent Legislature or other competent authority.

Savings.

(2) For the purpose of facilitating the application in relation to the State of Goa, Daman and Diu of any law made before the appointed day, the appropriate Government may, within two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

*Explanation.*—In this section, the expression "appropriate Government" means, as respects any law relating to a matter enumerated in the Union List in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the Government of the State of Goa, Daman and Diu.

Power  
to  
construe  
laws.

35. Notwithstanding that no provision or insufficient provision has been made under section 34 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Goa, Daman and Diu, construe the law in such manner not affecting the substance as may be necessary or proper in regard to the matter before the court, tribunal or authority, as the case may be.

Pro-  
visions  
as to  
con-  
tinuance  
of courts,  
etc.

36. All courts and tribunals and all authorities discharging lawful functions throughout the existing Union territory of Goa, Daman and Diu or any part thereof immediately before the appointed day shall, unless their continuance is inconsistent with the provisions of this Act or until other provision is made by a competent Legislature or other competent authority, continue to exercise their respective functions.

Over-  
riding  
effect.

37. The provisions of this Act shall have effect notwithstanding anything inconsistent therein contained in any other law.

Power  
to re-  
move  
difficulties.

38. (1) If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty.

(2) Every order made under this section shall be laid before each House of Parliament.

Power  
to make  
rules.

39. (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.



## STATEMENT OF OBJECTS AND REASONS

The demand for the grant of statehood to the Union territory of Goa, Daman and Diu is a popular demand of the people of the Union territory of Goa, Daman and Diu, which has a backing of people of all sections of the society. The Legislative Assembly of the Goa, Daman and Diu which passed a resolution demanding statehood for the Union Territory in the year 1971, repeated them in the years 1976 and 1983. The Union territory's population as per 1981 census is 10.87 lakhs. Population, however, was not taken by the Central Government as a criterion for the grant of statehood to the recently created states. But, however, it may be noted that the population of Nagaland is 7.75 lakhs and that of Sikkim is 3.16 lakhs only. In case the factor of area is considered, the area of the Union territory being 3814 sq. km., it stands last compared to the states like Manipur, Nagaland, Meghalaya, Tripura, Himachal Pradesh and Sikkim, etc. Yet, density of population is 285 per km. as far as Goa, Daman and Diu is concerned, compared to Manipur, Nagaland and Meghalaya, Tripura, Himachal Pradesh and Sikkim which is 64, 47, 60, 196, 77 and 45, respectively. Vast hilly areas which form part of these states are practically without any habitation. Therefore, areas with human habitation is what should matter.

One glance at the economic position of the Union territory will indicate that the territory now is certainly viable financially and can stand on its own legs with normal grants and other assistance which other States, specially the Special category States, get. Government of India also, as per provision contained in article 275 of the Constitution, gives grants-in-aid to various States and Union territories. The proposed State of Goa, Daman and Diu obviously, will get the same. On plan schemes, Goa will continue to get central assistance as any other State. Besides, Centrally Sponsored Schemes are totally financed by the Central Government. In comparison to the above referred States, Goa's requirement of grants-in-aid are far less. Besides, a new State is able to raise funds from the various financial institutions to finance its projects.

Today, as a Union territory, the Government does not have power to decide on budget proposals. It is the various Ministries of the Government of India who have to clear every bit of the territory's proposals. It is only recently that the powers with respect to the execution of schemes of the Goa Government have been raised from 50 lakhs to 3 crores. Even though the territory has a Legislative Assembly, practically, no Legislation can be introduced in the Assembly without its draft first being approved by the Government of India.

Hence the Bill.

NEW DELHI;

SHANTARAM NAIK.

February 17, 1987.

**PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274  
OF THE CONSTITUTION OF INDIA**

[Copy of letter No. S-16017/3/87-SR, dated 27 March 1987 from Shri Chintamani Panigrahi, Minister of State in the Ministry of Home Affairs to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Bill by Shri Shantaram Naik, M.P., to provide for the establishment of the State of Goa, Daman and Diu and for matters connected therewith, recommends the introduction of the Bill in Lok Sabha under articles 117(1) and 274(1) of the Constitution.



## FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the allotment of one seat to the new State in the Council of States. This will involve extra expenditure of about rupees fifty thousand per year on account of salary, allowances, etc. of a member.

Clause 13 of the Bill seeks to empower the Election Commission of India to delimit the assembly constituencies of the new State of Goa, Daman and Diu. For this purpose, non-recurring expenditure of about rupees fifty thousand will have to be incurred. This expenditure will be met from the Consolidated Fund of India.

The Budget amount of the Union territory of Goa, Daman and Diu for the year 1987-88 has been fixed at rupees eighty-six crores. In the Union territory, at present, the budgetary gap is being met by the grants-in-aid given by the Central Government. As a State, Goa, Daman and Diu, will be entitled to a share in the income tax and additional excise duties besides shares in other revenue items. The new State's share in the basic excise duty of the Central Government as also the shares in the other items will be determined by the Finance Commission. In case there is a deficit, the Finance Commission has taken note, in the past, of such deficit and has recommended suitable grants-in-aid under article 275(1) of the Constitution. It is, therefore, proposed to provide for such quantum of grants-in-aid to the new State as may be considered necessary until the recommendations of the next Finance Commission become available, by suitably amending the provisions of the Constitution (Distribution of Revenue) Order, 1985, in exercise of the powers sought to be taken in clause 24 of the Bill.

Clause 30 of the Bill seeks to empower the Central Government to establish one or more Advisory Committees for the purpose of assisting it in regard to the discharge of its functioning in relation to allocation of members of the services and for ensuring fair and equitable treatment to all persons affected. Some expenditure not exceeding rupees five thousand may have to be incurred out of the Consolidated Fund of India on account of travelling allowances of members of the Committee.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill enables the President to determine by order the allowances and privileges of the Governor of the new State.

Clause 24 of the Bill empowers the President to determine by order the grant-in-aid to the new State and its share of Central taxes and amend for that purpose the relevant provisions of the Additional Duties of Excise (Goods of Special Importance) Act, 1957, the Union Duties of Excise (Distribution) Act, 1962 and the Constitution (Distribution of Revenues) Order, 1985.

Clause 35 provides for the adaptation of existing laws to facilitate their application to the new State. The power to adapt is being conferred on the Central Government in the case of laws relating to matters enumerated in the Union List in the Seventh Schedule to the Constitution and on the Government of the new State in the case of all other laws.

Clause 39 of the Bill empowers the Central Government to make rules to give effect to the provisions of the Bill when enacted. The rules, if any, will be confined to matters of procedure and other matters of minor detail relating to the enforcement of the various provisions included in the Bill.

The various provisions aforementioned are modelled on identical or analogous provisions in the State Reorganisation Acts passed by Parliament earlier. Besides, they are mainly of a consequential nature or pertain to matters of detail and procedure. As such the proposed delegation of legislative powers is of a normal character.

## BILL NO. 39 OF 1987

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1987. Short title.
2. After article 16 of the Constitution, the following article shall be inserted, namely:— Insertion  
of new  
article 16A.

**“16A. All adult citizens shall have the right to work that is to say, the right to guaranteed employment and payment for their work in accordance with its quantity and quality so as to ensure them adequate means of livelihood.”.** Right to  
work.

## STATEMENT OF OBJECTS AND REASONS

Unemployment is increasing day by day in our country. The number of registered unemployed persons is almost three crores. Besides, there are crores of people who have not registered their names in the employment exchanges. This is causing erosion of moral values and frustration among the youth of our country. Though the right to work is mentioned in the Directive Principles, it remains outside the purview of the courts of law. If the right to work is made a Fundamental Right the person seeking employment unsuccessfully can seek the help of the courts of law to force the Government in providing job to him. Right to work as a Fundamental Right will give a new direction and responsibility to the Government to take all necessary measures to guarantee employment to the people.

Hence this Bill.

NEW DELHI;

HARISH RAWAT

March 4, 1987.

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that all adult citizens shall have the right to work and payment for their work in accordance with its quantity and quality so as to ensure them adequate means of livelihood. The Central Government and State Governments shall have to take steps to provide employment to adult citizens who remain unemployed. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in respect of Central Schemes and for providing of financial assistance to Union territories Governments. An annual recurring expenditure of about rupees two hundred crores is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crores is likely to be involved.

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SUBHASH C. KASHYAP,  
*Secretary-General.*

